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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/695,718 10/23/00 BENNETT

J Y0998-100RA

EXAMINER

MMC2/0926

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FUREMAN, J

ART UNIT

PAPER NUMBER

2876

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09/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/695,718

Applicant(s)

BENNETT, JAMES D.

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 33-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the preliminary amendment filed on 1/17/2001, which has been entered in the file. Claims 33-57 are pending.

Priority

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

Claim Objections

3. Claims 33 and 42 are objected to because of the following informalities:

Claim 33, lines 3 and 5: "an" should be replaced with --a--.

Claim 42, line 10: "an" should be replaced with --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 51 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al (US 6,056,199).

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Wiklof et al teaches a system and method for communicating between a reader device (44) and a carrier unit (40), wherein the carrier unit includes at least one good stored therewith, includes a first information tag (symbol 46) disposed thereon, and includes a second information tag (memory 48) disposed thereon, wherein the second information tag is of a different type than the first information tag (the second information tag is an electronic memory, while the first information tag is a printed bar code), and wherein the reader device includes a first processing circuit (laser diode 74, photodetector 86, printed circuit board 94) for reading the first information tag, the method comprising: reading the first information tag using the reader device, establishing communication between the reader device and the second information tag based upon information (polling code, device type or protocol) received from the reading of the first information tag, and receiving at the reader device from the second information tag status (inventory date, warehouse location) information corresponding to the carrier unit, the first information tag is an optical target, the reader device reads the information from an image of the first information tag, the optical target is an optical bar code, the status information comprises status information for the at least one good, transmitting new status information from the reader unit to the second information tag and storing the new status information on the second information tag (for example: updating the inventory date or warehouse location), transmitting from the second information tag to the reader unit at least one location detection signal for geographically locating the carrier unit (the warehouse location is transmitted as a

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signal) (see figures 1, 2, 5, column 3 lines 39-62, column 4 lines 1-58, column 5 line 23 - column 6 line 45, column 6 line 63 - column 8 line 9).

Wiklof et al fails to specifically teach the carrier unit including a plurality of goods stored therewith.

However, Official Notice is taken that at the time of the invention it was well known to those of ordinary skill in the art to provide a carrier unit including a plurality of goods stored therewith.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al, the carrier unit including a plurality of goods stored therewith, in order to provide an efficient means/method of shipping a plurality of goods to the same destination (more efficient than providing each individual article with a carrier unit).

6. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as applied to claim 51 above, and further in view of Cato (US 5,874,724).

Wiklof et al fails to teach communicating with the second information tag via a base station.

Cato teaches an information tag (104) which communicates with a base station (120) (see figure 1 and column 1 lines 13-20).

In view of Cato's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al, communicating with the second information tag via a base station, in order to allow the second information tag to communicate directly with a base station, thereby alleviating

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the need for the user to later transfer information from the reader device to the base station/host computer.

7. Claims 33-35, 39, 42-44, 48, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al in view of Koenck et al (US 5,218,187).

The teachings of Wiklof et al have been discussed above.

Re claims 52 and 53: Wiklof et al also teaches the second information tag communicating with the reader device via optical communication means (optical emitter 58 and optical detector 54, see figure 3 and column 4 lines 21-37).

Wiklof et al fails to teach the second information tag being a radio tag.

Koenck et al teaches that radio frequency is an art recognized functional equivalent to optical communications between a tag and a reader device (see column 5 lines 66-68).

In view of Koenck et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by Wiklof et al, to include: the second information tag being a radio tag, since a radio frequency is an art recognized functional equivalent to optical communications between a tag and a reader device.

Re claims 33-35, 39, 42-44, and 48: Wiklof et al also teaches a device (44) that reads a plurality of information tags (46, 48), the device comprising: a first processing circuit (laser diode 74, photodetector 86, printed circuit board 94) that generates information from a first information tag (46), the device utilizes the information to communicate with a second information tag (48), wherein the second information tag is

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a different type than the first information tag (the second information tag is an electronic memory, while the first information tag is a printed bar code), the first information tag is an optical target, the first processing circuit generates the information from of the first information tag, the optical target is an optical bar code, the information comprises identification data (polling code, device type or protocol) corresponding to the second information tag (see figures 1, 2, 5, column 3 lines 39-62, column 4 lines 1-58, column 5 line 23 - column 6 line 45, column 6 line 63 - column 8 line 9). Wiklof et al also teaches the second information tag communicating with the reader device via optical communication means (optical emitter 58 and optical detector 54, see figure 3 and column 4 lines 21-37).

Wiklof et al fails to teach the device including an antenna, a second processing circuit coupled to the antenna, the second processing circuit utilizing the information to communicate with the second information tag, the second information tag being a radio tag,

Koenck et al teaches a reader device (10) for reading a plurality of information tags, the device comprising: an antenna (41), a processing circuit (such as a radio transceiver circuit), coupled to the antenna, for communicating with the tags (see figures 1, 2, column 3 lines 52-57, column 4 lines 25-29, 52-61, and column 5 lines 51-68). Koenck et al also teaches that radio frequency is an art recognized functional equivalent to optical communications between a tag and a reader device (see column 5 lines 66-68).

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In view of Koenck et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by Wiklof et al, to include: the device including an antenna, a second processing circuit coupled to the antenna, the second processing circuit utilizing the information to communicate with the second information tag, the second information tag being a radio tag, since radio frequency is an art recognized functional equivalent to optical communications between a tag and a reader device.

8. Claims 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as modified by Koenck et al as applied to claims 33 and 42 above, and further in view of Kahn et al (US 5,801,371).

Wiklof et al as modified by Koenck et al fails to teach a manual selector switch that, depending upon a setting, individually enables or disables the first processing circuit and the second processing circuit.

Kahn et al teaches a reader device (10) that includes a manual selector switch (a single two position trigger switch) that, depending upon a setting, individually enables or disables a first processing circuit (a bar code scanning circuit) and a second processing circuit (a RFID tag reading circuit) (see figure 1 and column 7 line 19 - column 8 line 5).

In view of Kahn et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al as modified by Koenck et al, a manual selector switch that, depending upon a setting, individually enables or disables the first processing circuit and the second

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processing circuit, in order to provide a system that allows flexibility in determining when to perform communications with the tags.

9. Claims 37 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as modified by Koenck et al as applied to claims 33 and 42 above, and further in view of Petsko (US 5,999,294).

Wiklof et al also teaches that the device may be used with second information tags which require a specific polling code and protocol or second information tags that use a single polling code and protocol (see column 7 lines 29-38).

Wiklof et al as modified by Koenck et al fails to teach an automatic backup circuit that initiates communication between the second processing circuit and the second information tag if the information is not generated within a predetermined interval of time.

Petsko teaches a device (20) which includes an automatic backup circuit (within processor 350) that initiates communication between a second processing circuit and a device if information communicated from another device to a first processing circuit is not generated within a predetermined interval of time (see figures 4, 6, column 6 line 10 - column 7 line 24, and column 8 line 45 - column 9 line 46).

In view of Petsko's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al as modified by Koenck et al, an automatic backup circuit that initiates communication between the second processing circuit and the second information tag if the information is not generated within a predetermined interval of time, since this would allow the

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reader device to be used with second information tags that required a specific polling code and protocol and second information tags that use a single polling code and protocol (for example: after not decoding a specific polling code and protocol, the reader device can transmit the single polling code and protocol).

10. Claims 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as modified by Koenck et al as applied to claims 33 and 42 above, and further in view of Blanford (US 4,679,154).

Wiklof et al as modified by Koenck et al fails to teach a corruption detection circuit coupled to the first processing circuit that signals the first processing circuit to generate new information when the corruption detection circuit detects that the information is corrupt.

Blanford teaches a reader device (20) that includes a first processing circuit (bar code scanning circuit) for reading an information tag (a bar code), a corruption detection circuit (within microprocessor 82) coupled to the first processing circuit that signals the first processing circuit to generate new information when the corruption detection circuit detects that the information is corrupt (a bad read or invalid barcode data) (see figures 4, 6, column 2 lines 31-36, and column 5 line 45 - column 6 line 13).

In view of Blanford's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al as modified by Koenck et al, a corruption detection circuit coupled to the first processing circuit that signals the first processing circuit to generate new information when the corruption detection circuit detects that the information is corrupt, in order to

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provide the user with an indication that the first information tag was not read/decoded properly, thereby, indicating the first information tag should be read again or the first information tag is defective.

11. Claims 40 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as modified by Koenck et al as applied to claims 33 and 42 above, and further in view of Schmutz et al (US 5,633,487).

Wiklof et al as modified by Koenck et al fails to teach the information comprising location data corresponding to the second information tag.

Schmutz et al teaches an information tag comprising location data (destination) for a carrier unit (parcel) (see column 1 lines 9-21).

In view of Schmutz et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al as modified by Koenck et al, the information comprising location data corresponding to the second information tag (in that the destination defines the destination location of the carrier unit and corresponding information tags), in order to place the destination location information in a machine readable format, thereby reducing shipping/delivery errors.

12. Claims 41 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al as modified by Koenck et al as applied to claim 33 and 42 above, and further in view of Miura (US 6,036,348).

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Wiklof et al also teaches the second information tag storing a plurality of data sets (such as inventory date and warehouse location, see column 7 lines 46-49), each data set associated with at least one good associated with the second information tag.

Wiklof et al as modified by Koenck et al fails to teach the data sets being a destination of the goods and an inventory of the goods.

Miura teaches an information tag (3) which stores a plurality of data sets associated with goods associated with the information tag, the data sets including a destination of the goods (address, name, telephone number of the consignee) and an inventory of the goods (contents of the parcel 2) (see figure 1, column 3 lines 34-40, and column 4 lines 27-37).

In view of Miura's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Wiklof et al as modified by Koenck et al, the data sets being a destination of the goods and an inventory of the goods, in order to provide the destination and inventory of the carrier unit in a machine readable form, thereby increasing carrier unit delivery efficiency and reducing carrier unit delivery errors (see column 6 lines 50-55).

Remarks

It is noted that Wiklof et al teaches a second embodiment in which the memory 48 communicates with the reader 44 via radio frequency waves (see figures 8-10 and column 8 line 66 - column 12 line 50). However, a review of Wiklof et al's parent applications (08/978,608 and 08/533,568) revealed that the second embodiment was

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not disclosed in the parent applications, thus, the second embodiment does not pre-date applicants effective filing date.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swartz et al (US 5,979,758), Koenck et al (US 5,825,045), Kaltner (US 5,059,951), and JP 10-340389 all teach reader devices and information tags. Guthrie (US 5,565,858) teaches a reader device and information tag having a global positioning system receiver. Eberhardt (US 5,382,784) and Schultz et al (US 5,280,159) both teach reader devices having bar code and RF tag readers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-F, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



jjf

September 24, 2001



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